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ABSTRACT

The Kentucky Education Reform Act (KERA) represents one of the most comprehensive pieces of educational reform legislation enacted in the United States. This article describes a series of unintended consequences that are the direct results of inconsistencies both between and within components of the reform. The inconsistencies have made certain reform components highly controversial and have confounded implementation efforts. They also point out areas where policymakers must give serious attention if modern reform initiatives are to create the improvements for which they are intended. Data were gathered from four sources: a comprehensive review of research reports; analysis of state newspaper articles; telephone interviews with leaders of selected legislative subcommittees, Department of Education officials, and leaders of various educational groups; and informal meetings with various groups of educators. (Contains 26 references.) (LMI)

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Despite the Best Intentions: Inconsistencies Among Components in Kentucky's Systemic Reform

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Abstract

Comprehensive education reforms are crafted by legislators and policy makers to address multiple aspects of the public education system. Although individual components of such initiatives may appear promising, little thought typically is given to inconsistencies that may result from implementing multiple reform components simultaneously. This article describes some of the unintended consequences that have come about as a result of inconsistencies between and within components in Kentucky's systemic education reform. It is argued that policy makers must give serious attention to these inconsistencies and their consequences in order for modern reform efforts to succeed in bringing about the improvements for which they are intended.

Despite the Best Intentions: Inconsistencies Among Components in Kentucky's Systemic Reform

The Kentucky Education Reform Act, or *KERA*, represents one of the most comprehensive pieces of educational reform legislation ever enacted in the United States. The various components of KERA are designed to improve the quality of education provided to students in all Kentucky schools. These components also require educators at all levels to implement drastic change in nearly every aspect of schooling, all within a short period of time. The magnitude of these changes, their interrelations, and the compressed time frame for implementation have led to consequences that undoubtedly were unanticipated and unintended by the framers of the reform. Nevertheless, these consequences have direct impact on implementation efforts and are certain to influence the reform's success.

Described in this article are a series of consequences that we contend are the direct result of inconsistencies both *between* and *within* components of the reform. These inconsistencies have made certain reform components highly controversial and have confounded implementation efforts. They also point to areas where policy makers in Kentucky and elsewhere must give serious attention if modern reform initiatives are to result in the improvements for which they are intended.

Background

In what has now become a historic decision, the Kentucky Supreme Court ruled in June 1989 that the public school system in the Commonwealth was "unconstitutional." Based on

evidence presented in *Rose versus the Council for Better Education, Inc.* (1989), the Court concluded that every child in the Commonwealth was *not* being provided with an equal opportunity to have an adequate education. The responsibility for providing a system of common schools, according to the Court, rested solely with the General Assembly. Therefore, the Court ordered the General Assembly to establish a more equitable system and to "monitor it on a continuing basis so that it will always be maintained in a constitutional manner" (KY. 790 Supreme Court Opinion, 1989).

In response to the Court's order, the Legislative and Executive branches of the state government jointly formed a Task Force on Education Reform in July 1989. Composed of the leadership of the House and Senate and appointees of the governor, the Task Force formed three committees: Finance, Curriculum, and Governance. On March 7, 1990, the Task Force and its committees adopted a final report that provided recommendations to the General Assembly. Those recommendations formed the basis of House Bill 940, the *Kentucky Education Reform Act*, which became law on July 13, 1990.

KERA addresses nearly every aspect of public education in the Commonwealth, including administration, governance and finance, school organization, accountability, professional development, support for at-risk students, curriculum, and assessment. It establishes goals that encompass high levels of achievement for all students, decentralizes decision making, and allocates significant increases in funding to the public schools. It assumes that all students can achieve at high levels, that schools should be accountable for student outcomes, and that those outcomes should be demonstrated through practical applications of skills.

The key provisions of KERA focus on school finance, curriculum, and governance. The details of these provisions include the following:

School Finance

A. The "Support Education Excellence in Kentucky" (SEEK) formula was established to give each district a guaranteed amount of money per pupil, with extra funds available for educating at-risk and exceptional children, and for transporting students.

B. Local districts were expected to contribute a fair share by taxing at a specified minimum rate. They also may raise additional local funds, with matching state funds provided in some situations.

C. State funding was provided for all mandated programs in the areas of curriculum and governance.

Curriculum

A. Performance standards were established for all students.

B. Performance-based assessments replaced traditional testing programs.

C. An accountability system was established in which schools that show significantly improved levels of student achievement receive financial rewards, while schools that maintain or decline in performance are subject to sanctions. Before schools are sanctioned, however, they receive assistance from consultants and improvement grants.

D. Programs were developed and funded to eliminate school failure, including:

1) Preschool programs for at-risk 4-year-olds and handicapped 3- and 4-year olds;

2) Family Resource Centers and Youth Services Centers to offer special assistance in schools where 20% or more of students are at-risk (i.e. qualify for free school meals);

3) Expanded technology in schools;

4) A nongraded primary program, replacing traditional kindergarten through grade 3; and

5) Extended School Services for students who need extra time to meet the mandated outcomes.

E. Teachers were to attend professional development sessions devoted to the provisions of KERA, and districts with fewer than 20,000 students enrolled were required to join consortia to plan professional development activities.

Governance:

A. An Office of Education Accountability was established, attached to the legislature, to monitor education reform.

B. Schools became self-governing by adopting School-Based Decision Making (SBDM) Councils. Each council is made up of one administrator, three teachers, and two parents, and is designed to set policy. The council structure is optional until 1996, after which time it becomes mandatory, unless a school is showing improved results and meeting its accountability index threshold.

C. Requirements for teacher certification are established by an Education Professional Standards Board. This Board is composed of a majority of classroom teachers and sets standards for all teacher preparation programs in the Commonwealth. It also has authority to issue and revoke teaching certificates.

D. An alternative certification program was made available for prospective teachers skilled in a subject area but without a degree from a teacher education program.

E. Regional Service Centers were established to assist with the professional development of school employees. Principals and superintendents also are required to successfully complete a new training and assessment process.

Since the initial enactment of KERA, legislators and educators have proposed several changes, most relating to assessment and accountability. For example, in early 1994, then Commissioner of Education Thomas C. Boysen proposed the accountability system be changed so that schools with declining assessment scores would not be designated as "schools in crisis" and thus subject to extreme sanctions until after the 1996 assessments. Another change was moving the mathematics portfolio assessment from grade 4 to grade 5, and the performance assessments and on-demand transitional assessments for high school students from grade 12 to grade 11. Regulations regarding the election of faculty members and parents to school-based decision making councils also were changed to ensure the participation of minorities.

The court case and resulting reform act in Kentucky show that restructuring an entire state education system -- even to the point of disestablishment and reestablishment -- is possible. New funding mechanisms, a reasonable system of accountability, new approaches to early childhood education, new systems of supports for students and their families, and new roles for both state and local education agencies, all can be part of a comprehensive reform package. If such a broad reform proves successful in Kentucky, efforts of similar magnitude in other states seem likely (ERIC Review, 1994).

Data

The perspectives regarding the Kentucky Education Reform Act that follow were informed by data gathered from four sources. The first is a comprehensive review of reports and surveys published by the University of Kentucky / University of Louisville Joint Center for the Study of Educational Policy, a clearinghouse for information and reports on KERA, and the Kentucky Institute for Education Research, an independent research group funded by the Kentucky General Assembly. The second is newspaper articles on the reform published in the Commonwealth's two most widely circulated newspapers: *Louisville Courier Journal* and *Lexington Herald Leader*. The third is structured telephone interviews conducted with leaders of selected legislative subcommittees, Department of Education officials, and leaders of various educational groups in the Commonwealth (e.g., State School Boards Association, State Parent Teacher Associations, etc.). The fourth is informal meetings with various groups of educators attended by one of the authors.

Results

Although evidence on all of the components of KERA has yet to be gathered and formally analyzed, what is clear from information currently available is that some reform components are perceived to be working better than others. Statewide surveys suggest that differences in local control and responsibility explain some of this variation in perceptions; that is, components that allow for greater input and discretion at the local level generally are perceived more positively (Kifer, 1994; Wilkerson & Associates, 1994). But in addition, ostensible inconsistencies both *between* reform components and *within* the components themselves appear to account for much

of the concern. Although these inconsistencies and their consequences were clearly unintended by the framers of the reform, they have made certain components the focus of numerous news reports and the targets of much public debate. As a result, these components are also the most likely to be modified or perhaps eliminated by future legislative action.

Inconsistencies Between Components

A. *School-Based Decision Making* and *the Primary School Program*. The state statute on School-Based Decision Making (SBDM) explicitly grants to SBDM councils the right to make policies on the "planning and resolution of issues regarding instructional practices" (KRS 160.345). The purpose of this statute was to give teachers and parents a stronger voice in educational programs at the school level. However, the implementation of the Primary School Program, with its accompanying "critical attributes"[1] that specifically focus on instructional practices, are *mandated* by the state (KRS 156.160). Thus while KERA purports to treat educators as professionals and empower them to make decisions about how best to meet student learning goals, the top-down, mandated implementation of the Primary School Program controls and directs how elementary educators are to meet those goals. Rather than building the capacity of school administrators, teachers, and parents to work together and be responsible for student learning (Darling-Hammond & McLaughlin, 1995), the Primary School Program dictates the instructional formats and structures to be used. Even elementary schools with SBDM councils have little choice regarding the way students are grouped for instruction or the pedagogic practices that are employed.

[1] The critical attributes defined as part of the Primary School Program include: developmentally appropriate educational practices, multi-age and multi-ability classrooms, continuous progress, authentic assessment, qualitative reporting methods, professional teamwork, and positive parental involvement (KRS 156.160).

B. *Primary School Program* and *the Assessment and Accountability Program.* One reason offered by state officials to explain the mandated implementation of the Primary School Program and its "nongraded" format is that such an organizational structure facilitates "continuous progress" and eliminates the stigma of retention for students developing at a slower rate. However, the Assessment and Accountability Program requires that *all* students take part in the statewide assessments when they reach grade 4, the first year after they leave the Primary School Program. Based on the results of the grade 4 assessments, elementary schools are either rewarded for showing significant gains in student achievement, or sanctioned for not making sufficient improvement. In other words, the assessments are very "high stakes."

One device available to schools to keep potentially low-scoring children away from these high stakes assessments, and gain additional time to prepare them for the assessments, is to give these children "another year" in the Primary School Program. That is, instead of spending four years in the Primary School Program (K-3), these children are "retained," and spend five years or more. Since calculation of the accountability index for elementary schools considers retention in grades 4 and 5 only, such Primary School Program "retention" does not count against a school in any way. As a result, the number of children who spend "another year" in the Primary School Program increases, along with the total cost of their education which, currently, is an additional investment of approximately $5000 per child.

Another dilemma relates to the issue of curriculum coverage in the Primary School Program. To prepare students adequately for the performance-based format of the grade 4 assessments, many elementary teachers believe they must teach more content in greater depth.

Others believe they must spend more time on process skills and, as a result, must sacrifice coverage of certain content knowledge and basic skills. Although these perceptions may be inaccurate, it is evident that few elementary teachers have adequate training in how to make the curricular and pedagogic changes required by these components of the reform. In addition, because of the difficulties they are experiencing adapting to the mandated structural changes of the Primary School Program (i.e., multi-age, multi-ability classrooms), few teachers feel ready to take up these substantive curriculum issues.

C. *Assessment and Accountability Program* and *Professional Development.* The assumption guiding the Assessment and Accountability Program is "What you test is what you get." That is, in a high stakes environment where rewards or sanctions are tied to test performance, teachers generally alter their instruction to match the content and format of the tests. Although this is true with regard to basic skills testing, current evidence indicates it may not be true when more authentic, performance-based assessments are used (Linn, 1993). Most teachers have scant knowledge, personal background, experience, or formal training in performance assessments, or in how to use them as instructional tools (Rothman, 1995). In addition, the majority of teachers indicate they do not have sufficient time to administer and score such assessments, nor do they have access to appropriate and well-aligned instructional materials. As a result, the changes that occur in most teachers' instructional practices are relatively modest (Vitali, 1993).

To make these important and necessary pedagogic changes, teachers need extended time and sustained, high quality staff development (Guskey, 1994a). This is precisely the type of professional development that has been urged by state officials. But instead of providing teachers

with extended opportunities to learn about performance assessments and their use as instructional tools, pressure for immediate improvement in scores has prompted many schools to develop professional development programs that focus narrowly on the particular assessment formats and scoring procedures included in the Assessment and Accountability Program (Oldham, 1995). As a result, teachers simply teach students precise strategies for tailoring their responses to specific scoring rubrics. Although this generally leads to improved scores, such improvements are usually modest and short-lived. Furthermore, the hoped-for improvements in teaching practices and gains in the depth of students' understanding are seldom realized.

Inconsistencies Within Components

A. *Assessment and Accountability Program.* Of all KERA components, the assessment program, labeled the *Kentucky Instructional Results Information System* or KIRIS, is probably the most thoughtfully designed and carefully constructed. As a performance based assessment system, it is at the forefront of national assessment reform efforts (Haertel, 1994). Yet despite its many positive attributes, linking this pioneering effort in performance assessment with a high-stakes accountability system has led to numerous difficulties.

The KERA accountability system is based on calculation of an "accountability index" for each school in the Commonwealth. This index is determined by combining scores from the three strands of the assessment program: (a) transitional tests that are composed of both multiple-choice and open-ended items, (b) performance events, and (c) portfolios. Also included in the calculation of a school's accountability index is a series of "non-cognitive indicators" (see

Guskey, 1994b). At the high school level these include attendance, retention, dropout rate, and successful transition following graduation.

Because of the high-states involved the determining a school's accountability index score, the performance-based format of the assessments has been challenged on the grounds of inadequate reliability (Kentucky Institute for Education Research, 1995). In addition, pressure for improved results has led to certain questionable practices. At the high school level, for example, dropout rate contributes only about 5% to the accountability index, while performance scores contribute over 85%. As a result, schools where low achieving students dropout are likely to show greater gains in their accountability index than schools that work to keep their low achieving students enrolled.

Adding to this difficulty is the fact that the accountability system is high stakes for the educators in a school, but "no stakes" for the students. As a result, principals and teachers must struggle to find ways to persuade students to put forth serious effort on assessments that for them "do not count." Although some schools have developed creative ways to make students more accountable by tying KIRIS results to course grades or graduation requirements, most continue to find this issue problematic.

Furthermore, the performance-based format of the assessment program is designed to provide better information about the quality of instructional programs at the school level, especially with regard to the development of students' higher level cognitive skills and problem-solving abilities. For the purpose of making such school level decisions in order to guide improvement efforts, the multi-faceted KIRIS results appear to be suitably reliable (Kentucky Institute for Education Reform, 1995). At the same time, educators and parents also want

information that can be used to make decisions at the individual student level (May, 1994). For this purpose, performance-based assessments like those used in KIRIS are generally much less reliable. Scoring demonstrations of higher level learning is a much more complex process than scoring fixed-response tests that measure students' recall of basic information. In addition, performance-based assessments are, by their very nature, extremely time-consuming both to administer and to score. Because of time restrictions in the current assessment program, student level assessments are based on a limited number of high level tasks and, hence, offer a limited sample of an individual student's capabilities (Linn, Baker, & Dunbar, 1991).

Finally, many teachers believe writing skills are overly emphasized in the performance assessments. Because writing is the principal means of expression in assessments in every subject area, teachers feel compelled to include writing instruction in all classes. The time devoted to teaching writing, however, is typically taken from time that would otherwise be spent in course content instruction. As a result, both the breadth and depth of course content may be sacrificed.

B. *Primary School Program.* Providing instruction that meets the diverse learning needs of individual students is one of the greatest challenges classroom teachers face. The "multi-age" structure of the Primary School Program, which has been interpreted by state officials as "multi-grade,"[2] magnifies the diversity among students in each classroom and, as a result, intensifies the challenge elementary teachers face in their efforts to provide effective instruction. Furthermore, "multi-grade" grouping is a structural change only in the way students are grouped for instruction.

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[2] Some school officials argued that because students in each grade differ in age by as much as twelve months or more, the grade-level structure they presently employed could be considered "multi-age." State Department of Education officials warned, however, that such a structure was not "in compliance" with the law.

As such, it does not compel teachers to teach in more creative ways or to engage students in more intellectually stimulating activities. By intensifying the instructional challenges teachers face, however, it can serve to stifle such efforts. For many teachers, their primary concerns are with the new challenges of classroom management and keeping students on task, rather than with the quality of educational experiences they are offering students.

The "multi-grade" grouping structure of the Primary School Program actually may hamper teachers' efforts to implement other critical attributes of the program. This is especially true in the case of "developmentally appropriate" practices. By keeping the number of students in each class the same but increasing the developmental diversity among those students, the multi-grade structure can restrict the opportunities teachers have to group students who share similar physical, social, intellectual, emotional, and aesthetic/artistic needs.

The increased developmental diversity resulting from multi-grade grouping also makes it difficult for teachers to provide authentic assessment activities. The wide range of language skills and problem solving skills represented in a single class can inhibit teachers' efforts to engage students in journal development, self-evaluation activities, or preparing logs of experiments conducted.

Perhaps the most serious inconsistency to result from the multi-grade structure mandated within the Primary School Program is the accommodations many schools have felt compelled to make in order to comply with the law. To meet the "multi-age" or multi-grade requirement, many schools combine what was previously grades K and 1, and grades 2 and 3. The problem, however, is that first year primary (previously kindergarten) is a half-day program in the majority of elementary schools. Teachers with both first and second year students in their classrooms,

therefore, have one group of students only in the morning, another group only in the afternoon, and a third group all day. Providing appropriate and effective instruction for students within this structure is exceptionally difficult for teachers.

To resolve this dilemma, some schools have implemented an all-day kindergarten or first year primary program. In these schools the money saved in transportation costs is used to partially fund the additional instructional personnel that are needed. In most elementary schools, however, limited facilities make it impossible to offer an all-day kindergarten or first year primary program. To establish an all-day, first year primary program in Lexington schools (Fayette County), for example, would require approximately 116 additional classrooms and staff members (Kimbrough, 1995).

In an effort to devise a more manageable grouping structure and still be in compliance with the law, the primary teachers in many of these schools requested that first year students be placed in their classrooms *only* in the morning or *only* in the afternoon, but not both. In other words, in the morning they would have both first and second year students in their classrooms, but in the afternoon only second year students would remain, or vice versa. To do this with current resources, however, requires exceeding the state class size limit of 24 students in primary classrooms. In the morning, for example, teachers may have as many as 34 first and second year students in their classrooms, but in the afternoon only 17 second year students would be there, or vice versa.

Responding to the requests of dedicated teachers who feel pressured to comply with the multi-grade structure of the Primary School Program, SBDM councils in these elementary schools are agreeing to remove the class size limit of 24 students (see, for example, minutes from the

SBDM council meeting of Millcreek Elementary School, Fayette County, KY, September 15, 1994). As a result, first year primary school students, those who need the most individualized attention, the most guidance and direction from teachers, and who benefit most from smaller classes, are placed in classrooms containing 32 to 35 students.

C. *Professional Development.* To meet the demands of KERA, teachers must acquire a deeper understanding of the content they teach, greater flexibility in their instructional practices, and be prepared for new decision making roles outside the classroom. Unfortunately, understanding of these new requirements is not widespread. Although the reform has drastically changed the expectations for teachers, the way the public and most policy-makers view teachers has not changed. Many continue to think of teachers as working only when they are with their students. As a result, support for providing the additional professional development time and resources teachers require to implement the various components of KERA remains inadequate (McDiarmid, 1994).

To meet these new expectations teachers need regular opportunities to plan and work with colleagues, both in schools and beyond them. They need structured opportunities to learn about new pedagogical practices and time to refine their use of those practices in a supportive, non-evaluative environment. Furthermore, they need opportunities to experience learning in ways that are consistent with the reform and to observe teaching practices that help all students acquire desired learning goals. All of this means that policy-makers and school leaders must provide increased, long-term, and sustained support for professional development.

Funding to train school-based educators on the elements of effective professional development plans is also inadequate. At the present time even schools that coordinate their professional development activities through educational consortia continue to rely on one-shot, isolated, information sharing sessions that focus on immediate, short-term gains and seldom include follow-up activities. Well organized, thoughtfully designed professional development plans that focus on long term educational goals, offer sustained follow-up and support, and are based on current knowledge of best practice in professional development are exceedingly rare.

D. *School-Based Decision Making (SBDM).* The mandated implementation of school-based decision making is perhaps the greatest inconsistency in KERA. That is, the legislation mandates from the top-down, decision making from the bottom-up. Furthermore, the assumption guiding the establishment of SBDM councils is that decisions affecting schools should have significant input from those who understand well the contexts of those schools. In other words, shared decisions are likely to be better decisions. However, evidence linking shared decision making to improvements in student learning is scant (Jenkins, Ronk, Schrag, Rude, & Stowitschek, 1994; Malen, Ogawa, Kranz, 1990; Summers & Johnson, 1995). And although SBDM councils have the authority to make decisions with regard to curriculum and instruction, few take up these topics. Instead, they concentrate on issues with which they feel more comfortable, such as discipline and extracurricular activities (David, 1994).

Most SBDM councils in the Commonwealth lack specific educational knowledge or expertise upon which to base their decisions, or even access to such knowledge or expertise. As a result, shared decision making becomes shared naiveté at best and shared ignorance at worst. It

also allows the personal agendas of council members take precedence over what might be the best interests of students. For example, several SBDM councils in Kentucky high schools *lowered* the academic requirements for students to participate in interscholastic sports (Mayhan, 1993).

In addition, although the Kentucky Court of Appeals has ruled that SBDM councils have the "real authority" to run the schools, while school boards are limited to "oversight" (Schaver, 1993), many council members consider their roles ill-defined. Others complain that the decisions they make are not implemented by the principal or teachers. In some cases this reflects the principal's unwillingness to take action. In other cases it means insufficient attention has been paid to gathering input, communicating the rationale behind decisions, and taking steps to ensure that those responsible for carrying out a decision share a sense of ownership in it (David, 1994).

Conclusion

No previous education reform effort in the United States is as systemic or as comprehensive as the Kentucky Education Reform Act. The framers of this bold initiative therefore had no models nor established sources of data on which to base their decisions. The experiences gained in Kentucky, however, can now serve to guide other systemic reform efforts. With knowledge of the inconsistencies of particular reform components and combinations of components, and the unintended consequences of these inconsistencies, it is hoped that policy makers will be able to make better and more thoughtful policy decisions regarding education reforms. It is also hoped they will be able to anticipate where strong support for implementation will be needed so that reform efforts can achieve their intended goals.

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